IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 2558 of 1994

Between:

Nimmagadda Dasaradha Ramaiah S/o.Nagaiah,
aged about 60 years, Occ:Agriculturist,Donepudi (V),

Kolluru Mandal, Guntur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Tenali, Guntur District.
2 The Mandal Revenue Officer, Kolluru Mandal, Guntur District.
3 Venigalla Saibabu S/o.Rama Kotaiah, aged about 35 years,
Donepudi Village, Kolluru Mandal, Guntur District.
4 Venigalla Venkata Subba Rao S/o.Rama Kotaiah, aged about 30

years, Donepudi Village, Kolluru Mandal, Guntur District.
5 P.Sarojani W/o. Rathaiah, aged 20 years,

R/o.Kolluru, Guntur District.
6 M.Chittamma W/o. Samuel, aged 40 years, R/o.Kolluru,

Guntur District.

7 B.Nagamma W/o. Venkateswarlu, aged 50 years,
R/o.Kolluru, Guntur District.
8 Beka Meka Maniyar W/o. Ananda Rao, aged 35 years,
R/o.Kolluru, Guntur District.
9 Maganti Chanchaiah W/o. Krishnaiah, aged 45 years,
R/o.Kolluru, Guntur District.
10 Kolluru Mangamma W/o. Suryanarayana, aged major,
R/o.Kolluru, Guntur District.
11 Kolluru Venkata Ramana S/o.Venkateswarlu, aged 45 years,
R/o.Kolluru, Guntur District.
12 Shaik Nalini W/o.Subban, aged 35 years,
R/o.Kolluru, Guntur District.
13 Dasari Venkata Subrahmanyam S/o. Ramalingam,
aged not known, Major, R/o.Kolluru, Guntur District.
14 Shaik Hussain Ahammed S/o. Moula Saheb, aged 80 years,
R/o.Kolluru, Guntur District.
15 Guthikonda Rattaiah S/o. Ramaiah, aged 45 years,
R/o.Kolluru, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents not to interfere with the petitioners peaceful possession of the said land by declaring the action of the respondents in interfering with the petitioners enjoyment of the lands without considering and disposing of his application, pending with the 1st respondent and asking the respondents 3 and 4 by the 1st respondent to surrender the said lands behind the petitioner back even without communicating the order Dt.7-8-1992 though admitted the petitioner has been in possession of the said land, as illegal, arbitrary, capricious and against the principles of natural justice.

Counsel for the Petitioner: MR.GANTA RAMA RAO.

Counsel for the Respondent Nos.1&2: GP FOR REVENUE.

Counsel for the Respondent Nos.3 to 15: None appeared.

The Court made the following :

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.2558 OF 1994

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue.

In this writ petition, the petitioner, who claims to be a tenant, filed this writ petition inter-alia challenging the order dated 07.08.1992, where under an objection raised by the petitioner vis-à-vis the claim as tenant has not been properly considered and stood rejected.

The main grievance of the petitioner is that in response to the notice issued in Form No.8, he has filed detailed objections claiming that he is a tenant and therefore, the land ought not to have been accepted towards surrender to the detriment of his rights as a leaseholder.

On considering the submissions made and also on perusal of the material, it is seen that though the petitioner has filed objections in response to the notice claiming as a

leaseholder, the primary tribunal did not take into consideration the same and neither reasons have been assigned nor any findings have been given.

Having regard to the above, the writ petition is allowed. The Primary tribunal is directed to consider afresh the case of the petitioner on proper perspective, especially in regard to the claim as a leaseholder and pass orders in accordance with Law, after giving notice and opportunity to the petitioner. No costs.

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15.07.2004

cs/skmr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the fifteenth day of July, two thousand and four.

ASSISTANT REGISTRAR

To

1. The Revenue Divisional Officer, Tenali, Guntur District.
2. The Mandal Revenue Officer, kolluru Mandal, Guntur District.
3. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)
4. Two C.D. copies.